

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL JOHNSON-KAZANIAN §
v. § CIVIL ACTION NO. 6:09cv380
SHERIFF RAY NUTT, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Michael Johnson-Kazanian, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of the conditions of confinement in the Henderson County Jail. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Johnson-Kazanian complains that the jail is “always freezing” and that jail officials only provide one blanket, one sheet, one thin shirt, and one pair of thin pants. He also complains that the food is provided in insufficient portions, causing him to lose weight, that he gets “heartburn and hunger pangs” between meals, that most of the time, there is no sugar in the Kool-Aid or tea, making it “nasty,” and jail officials will not respond to grievances.

For relief, Johnson-Kazanian asked that the jail officials be ordered provide two blankets, two sheets, underwear (top and bottom), thermals, and socks, that the heat be turned up, and that food be served in portions that are “at least double” those presently served.

After the lawsuit was filed, Johnson-Kazanian notified the Court that he was no longer in confinement at the Henderson County Jail and that his present mailing address was at a post office box in Chandler, Texas.

On August 28, 2009, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. The Magistrate Judge concluded that the relief sought by Johnson-Kazanian was in the nature of a mandatory injunction, but that because Johnson-Kazanian had been released from confinement in the Henderson County Jail and made no showing of a reasonable expectation that he will be incarcerated there again, his claims were moot.

A copy of this Report was sent to the Plaintiff at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from de novo review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in the cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil rights action be and hereby is DISMISSED without prejudice as moot. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 27th day of October, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE